



Administrative Regulation
Standards of Conduct

Policy #	03-01.09
Effective Date:	September 6, 2021
Revision Date:	N/A
Owner:	Human Resources

Purpose:

This policy is meant to provide employees and managers with an understanding of the City's expectations regarding ethical standards and principles with regard to using their position at the City for financial gain or to avoid a personal cost and how to address economic conflicts of interest.

Scope:

This regulation applies to any employee, officer, volunteer, intern, or councilor, or agents of the City. Hereafter referred to as employee.

Policy:

This Administrative Regulation is not intended to be comprehensive and cover every example. Please refer to the Oregon Government Ethics law and the state's [Guide for Public Officials](#) for further explanation and examples.

Each individual employee is a representative of the City and, therefore, is responsible through their actions for projecting high ethical standards. Oregon Government Ethics law restricts some choices, decisions or actions of public officials. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the state ethics laws were enacted to provide one safeguard for that trust. Oregon Government Ethics law prohibits public officials from using their office to obtain a personal financial benefit or to avoid a personal cost. Conflicts of interests are to be disclosed and addressed as they occur. City employees as defined in this administrative regulation are personally responsible for ensuring that their actions comply with state law. The Oregon Government Ethics Commission and City Attorney are available to provide additional information about the requirements of state law.

These are the standards of conduct considered in this policy:

1. Conflicts of Interest
2. Outside Employment
3. Conversion of City Property for Private Use
4. Use of Position
5. Use of Confidential or Insider Information

Some departments may have policies that are more restrictive than this administrative regulation or state law. Employees are expected to comply their department's policies, as well as this regulation and state law.

Procedure:

1. Reporting and Resolving Real and Potential Conflicts.

- 1.1. In order to avoid any impropriety or the appearance of impropriety, employees should not participate as an agent or a representative of the City in approving, disapproving, voting, abstaining from voting, recommending, or otherwise acting upon any matter in which they have a financial interest, and employees must disclose the full nature and extent of their interest in that particular enterprise.
- 1.2. An employee who is unsure if a conflict exists should discuss the situation and possible resolutions with their supervisor. A conflict may exist even if another employee has faced a similar situation and not addressed it.
- 1.3. If a conflict of interest is identified, the employee must draft a memo outlining the conflict of interest and submit it to their supervisor. The supervisor will acknowledge the conflict of interest in writing and determine how it can be resolved. The employee and supervisor may work together to determine how to dispose of the conflict of interest. A copy of the disclosure and subsequent acknowledgement shall be place in the employee's personnel file.
- 1.4. Resolution of a conflict may require that the employee cease participation in the conflicting interest, return any benefit received, and/or report the incident to the Oregon Government Ethics Commission, among other solutions.
- 1.5. An employee having knowledge or concerns regarding alleged ethics violations by another employee or volunteer should notify their supervisor, manager, or Human Resources. Employees who provide such notification are protected from retaliation by co-workers, the City, or any representative thereof.

2. Outside Employment

- 2.1. Generally, employees may obtain employment with an employer other than the City of Springfield or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Outside employment may however be viewed as "improper use of office" or "create conflicts of interest" as defined under the Oregon Public Official Ethics Laws. Employees who are planning to engage in outside employment are responsible for determining whether their whether their outside employment is consistent with those laws.

2.2. Employees are prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

2.3. Employees may not accept outside employment that involves:

2.3.1. The use of City of Springfield time (including the employee's work time), City of Springfield facilities, and confidential information gained as a City of Springfield employee, equipment and supplies, or the prestige or influence of the employee's position with City of Springfield. In other words, the employee may not engage in private business interests or other employment activities on the City of Springfield's time or using the City of Springfield's property;

2.3.2. The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or

2.3.3. Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Springfield.

2.4. Employees will not be granted a personal leave of absence for the purpose of engaging in outside employment.

2.5. The City of Springfield requires employee's to provide a written disclosure regarding outside employment to their Department Director before the outside employment begins.

2.5.1. The written disclosure must include any actual or potential conflicts of interest.

2.5.2. In the event of an actual or potential conflict of interest, a written plan to resolve or prevent the conflict is required. Written plans may be revised or revoked at any time.

2.5.3. Thereafter, an employee must provide an update to their Department Director on an annual basis, or sooner if any changes in outside employment occurs.

3. Conversion of City Property for Private Use

3.1. Employees will not convert City-owned equipment, facilities, materials or other City services for private use except in the manner generally available to the public at large. Employees in that case would be obligated to pay the same fee, if any, in the same manner of a private citizen.

3.2. Employees may not salvage items left or abandoned in or near City property or during events designed to support community clean-up, such as the annual "Spring Clean-up Event."

4. Use of Position

- 4.1. Employees of the City shall not use or attempt to use their official position or office to obtain financial benefit, if the opportunity for the financial benefit would not otherwise be available but for their position. The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense. This prohibition applies to employees acting on their own behalf or the behalf of their relatives or members of their household. It also applies to a business with which the public official, a relative or a member of the public official's household is associated.
 - 4.1.1. Examples of prohibited use of position include placing a signature on a City document, making recommendation, making a purchase with City funds or using the City's time or resources like computers, vehicles or machinery.
- 4.2. The City is often offered price differentials that are not offered to the public at large. Employees may not accept a price differential or discount due to their employment by the City and may not purchase goods for their own benefit through the City purchasing process. An employee shall not receive personal benefit or discounts for the purchase of goods or services from vendor relationships the City has established through the City purchasing process. This includes frequent flyer miles, points or other private membership benefits received through City activities.
- 4.3. Employees shall report promptly to their supervisors any remuneration they receive from an individual or business with which the City does business.

5. Use of Confidential or "Insider" Information

- 5.1. Employees of the City may have access to sensitive and confidential information which has not been released to the general public for a variety of reasons. Employees are expected to maintain that confidentiality and exercise discretion and judgment when dealing with sensitive or confidential information including sharing with others internally.
 - 5.1.1. Do not discuss or disclose confidential information concerning the affairs, property, government, personnel, or any matter subject to litigation, either pending or likely to be filed, without the approval of the City Manager.
 - 5.1.2. Employees shall not directly or indirectly solicit or accept the promise of future employment based on the understanding that the offer is influenced by their vote, official action or judgment.
 - 5.1.3. Former employees may not use confidential information for any person's financial gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.

- 5.1.4. Do not use such information to advance your own financial investment, competitive advantage, private interests or other purposes which might work to the advantage or disadvantage of others or to inform others who might benefit from such information until after the information has been made available to the general public.
- 5.2. Employees of City departments which periodically auction surplus City property shall not bid at such auctions when their position provides them with information not available to the general public regarding the auction or item(s) for auction.
- 5.3. Employees who are involved with administering, advising or conducting public auctions of surplus City materials, and members of their family who reside in the employee's household, are prohibited from bidding at such auctions. This includes employees who review bids, award and/or authorize sales. Employees may not use family members or friends to bid in their place.

Definitions

1. "*Conflict of Interest*" as defined under OGEC ORS 244.020 includes two types of conflict:
 - 1.1. "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.
 - 1.2. "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated;
2. "*Conversion of City Property for Private Use*" is the use of public property, persons or money under the employee's official control or direction for the private benefit or gain of the employee or their associates.
3. "*Personal Leave of Absence*" is any unpaid leave time off as outlined in the City's Leave of Absence Administrative Regulation.
4. "*Member of Household*" is any person who resides with the employee.
5. "*Outside Employment*" means any employment (including self-employment) or public or private service or volunteer work which may eventually be compensated, either directly or indirectly, which is not part of the employee's regularly assigned duties by the City including volunteer firefighter and reserve law enforcement officer work.
6. "*Public Official*" defined according to Oregon Revised Statutes (ORS) 244 as "any person who is serving the State of Oregon or any of its political subdivisions or any other public

body of the State as an officer, employee, agent, or otherwise and irrespective of whether the person is compensated for such services." An "agent" means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. (see OAR 199-005-0035)

7. "Relative" means: (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate; (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate; (c) Any individual for whom the public official or candidate has a legal support obligation; (d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or (e) Any individual from whom the candidate receives benefits arising from that individual's employment.
8. "Use of Confidential or Insider Information" is the use of confidential information that is otherwise not available to the general public for personal benefit or gain.
9. "Use of Position" is the use of an employee's public office for their own private gain or for that of persons or organizations with which they are associated personally. An employee's position or title should not be used to coerce; to endorse any product, service or enterprise; or to give the appearance of governmental sanction.

Resources:

Administrative Regulations:

1. [Gifts & Gratuities Administrative Regulation](#)
2. [Leave of Absence Administrative Regulation](#)

Forms:

1. [Outside Employment Request Form](#)

Online Resources:

1. [Oregon Government Ethics Commission \(OGECE\)](#)
2. [Oregon Government Ethics Laws](#)
3. [Guide for Public Officials](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Nancy Newton, City Manager	Dates:	8/30/2021
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	Replaces Admin Reg. 03-11.02 Conflict of interest, Admin Reg. 03-11.03 Use of Position and Employee handbook section 9.10 Outside Employment		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
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REVISIONS:

Version #2:	Responsible Party:			
	Revised By:			
	Approved By:		Date:	
	Reason/Summary of Changes:			